

Application no. 10/699,915.

REMARKS

The courtesy extended by the Examiner to Applicant's attorney during the interview on January 26, 2006 is greatly appreciated. Reconsideration and continued examination of the above-identified application are respectfully requested.

Claims 1-17 and 20-21 remain in this application after this amendment is entered. Claims 1, 4, 20 and 21 have been amended, and new claim 22 has been added.

Claim 21 is objected for containing informalities. It has been amended to remove the informalities. Claims 20 and 21 are objected to under 37 CFR 1.75(c) for not further limiting the subject matter of the previous claim and are rejected under 35 U.S.C. § 112, ¶ 2. Particularly, the Examiner is unclear as to what the term "uncovered" recited in claims 20 and 21 refers to. Applicant has amended both claims to recite that the coated based material is heated in step d) in claim 20 or step f) in claim 21, respectively, uncovered by a film. Hence, Applicant respectfully requests that the objections and rejections of claims 20 and 21 be withdrawn.

Claims 1-2, 5 and 7-8 stand rejected under 35 U.S.C. § 103 over the combination of EP 0 496 545 A2 and U.S. patent no. 4,243,696 to Toth. Applicant has amended claim 1, which is the independent claim in this group, to include the limitation of original claim 4, and Applicant respectfully submits that as amended claim 1 is patentable over the cited art combination, as explained below.

First, Applicant notes that EP '545 is not directed to a process for making an anti-slip composite. As discussed from column 1, line 48 to column 2, line 3, EP '545 discusses a process for making flat or contoured panels for a variety of uses by "adding design and structural features to the panels during fabrication process" and these advantages include "increased strength, resistance to weather and certain alterations in panel appearance." Anti-slip property is not discussed in EP'545. A main feature of EP '545 is to provide a tacky surface, i.e., the semi-cured base layer, (col. 2, lines 19-21, col. 5, lines 6-11) so that the base layer can accept an auxiliary layer (col. 2, line 49, col. 5, lines 20-22), a gel coat, paints or other curable materials with additives such as UV absorbers (col. 2, lines 1, lines 58, col. 6, lines 16-23), or particulate materials as a surface coating or be impregnated into the tacky base materials by roller 96 (col. 2, lines 1-3, col. 3, lines 4-9, col. 6, lines 50-54).

Toth, on the other hand, discloses adding resin and sand to construction or structural elements 8, which is cleansed before adding resin and sand. The surface of elements 8 has

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no resin and therefore resin must be added to hold and affix the sand to the surface of elements 8. To underscore this point, Toth further discloses that a primer resin coating should coat the surface of elements 8 "to cover the surface for preventing minute blank spaces or voids underneath the grit particles." (col. 4, lines 45-47).

If a person of ordinary skill in the art were to combine EP '545 with Toth, which Applicant maintains that these two references should not be combined as discussed in our earlier papers, this person of ordinary skill would reasonably conclude that due to the tackiness of the resin and glass base material in EP '545, no additional resin from Toth is needed and only the sand disclosed in Toth should be combined with EP '545. Toth's concern about the minute spaces under the grains or grit particles in contact with the surface is obviated when the entire base material is a tacky resin and ready to accept and hold the sand. Adding fresh resin to the semi-cured tacky base resin material introduces the possibility of delamination due to the different properties of different resins or due to different properties of the same resin but at different stages of curing, and this is an unnecessary risk.

Claim 1 recites adding new resin and sand to the partly gelatinized base material, which would not be present in a reasonable combination of EP '545 and Toth, and claim 1 is patentable over this combination. To further buttress the patentability of claim 1, it has been further amended to recite that radical donors are supplied in step d) to cross-link the new resin and sand to the semi-cured resin and glass fiber base material. This new limitation is incorporated from claim 4, as originally filed. In the present Office Action, the Examiner rejected original claim 4 over the combination of EP '545, Toth and Conard. Conard discloses adding peroxide as a cross-linking additive at the beginning of the curing or cross-linking process. One of ordinary skill in the art would not look to Conard for the teaching of disrupting the curing process in mid-stream to add a cross-linking additive. Hence, this hypothetical combination of EP '545, Toth and Conard would at best teaches adding the peroxide at the beginning of the process, and would not render claim 1, as amended, obvious.

Claims 2, 5 and 7-8 are also rejected over the combination of EP '545 and Toth; claim 3 is rejected over this combination and Holmes; claim 4, discussed above, has been amended to recite that peroxide is the radical donor, and is rejected over this combination and Conard; and claim 6 is rejected over this combination and Van Dyck. Claims 2-8, 20

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and new claim 22 are dependent directly on claim 1 and recite further limitations therefrom. Thus, these claims are also presently patentable due to their dependency.

Applicant reserves the right to address the patentability of each of these dependent claims. However, at the present time it is suffice to note that while Van Dyck discloses a cooling step followed by additional processing steps, such as hot pressing the laminate to core materials, well after the laminate is formed and after subsequent shipment to satellite plants. Thus, Van Dyck does not disclose a continuous manufacturing process, as claimed in claim 6, but a process where the relevant manufacturing steps are separated by significant time and significant space. Similarly, Holmes does not disclose a continuous manufacturing process, but discloses a batch process where solvent is coated on a non-hydrophilic resin, drained and dried off in a clean room environment.

Claims 9-11, 14 and 16-17 stand rejected under 35 U.S.C. §103(a) as being obvious in view of EP'545 in view of U.S. patent no. 4,689,259 to Miller, Jr. et al. Particularly, the Examiner relies on the description of the prior art in Miller at col.1, lines 10-25. Applicant respectfully traverses this hypothetical combination.

As discussed at the interview, Miller discloses taking a pre-existing, pre-formed ordinary vinyl tile, heating the tile, spraying carborundum grits onto the heated tile and then embedding the grits into the heated tile. First, Miller discloses a pre-existing, pre-formed tile, while independent claim 9 recites a base material that is partially formed with a partly gelatinized surface. Furthermore, Miller does not disclose adding new resin along with sand to the partly gelatinized surface of the base material, as recited in steps c) and d) of claim 9, and Miller does not describe rolling in the sand and new resin. Contrary to claim 9, Miller teaches embedding grits into the old pre-formed resin. Miller is actually cumulative of EP '545 and adds nothing new. The third embodiment of EP '545 (Fig. 7 and associated texts) discloses impregnating fillers into the semi-cured pre-existing tacky resin by using roller 96. EP '545 also does not teach adding new resin and rolling sand into new resin. Hence, a hypothetical combination of EP '545 and Miller does not disclose all the elements of claim 9 and cannot render claim 9 obvious.

Claims 10-11, 14, and 16-17 are rejected over the combination of EP '545 and Miller; claim 12 is rejected over this combination and Holmes; claim 13 is rejected over this combination and Conard; and claim 15 is rejected over this combination and Van Dyck. Claims 10-17 and claim 21 are dependent directly on claim 9 and recite further limitations

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therefrom. Thus, these claims are presently patentable due to their dependency. Applicant already discussed the Holmes, Conard and Van Dyck references above and reserves the right to present further arguments to support these dependent claims, should that becomes necessary.

In view of the foregoing remarks, the applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims.

No fee is believed due for this amendment since the total number of claims including the new claim is 20 and only two are independent claims. If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-1980. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

The Examiner is respectfully requested to contact the undersigned by telephone should there be any remaining questions as to the patentability of the pending claims.

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Respectfully submitted,


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